

LAW

Paper : II

Full Marks – 100

Time – Three hours

The figures in the margin indicate full marks for the questions.

Answers must be written in English only.

Candidates are required to give their answers in their own words as far as practicable.

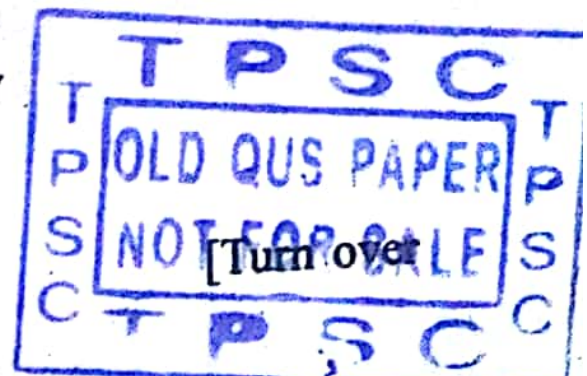
GROUP – A

Four options are given against each of the following 10 (ten) questions. Select the single best / correct option and write it in the answer script by pen only.

Each question carries one mark.

1×10=10

1. (i) Whoever by words spoken or written excites or attempts to excite disaffection towards the Government, commits the offence of
- (a) criminal mischief
 - (b) sedition
 - (c) unlawful assembly
 - (d) None of these



(ii) How many persons are designated an unlawful assembly, if the common object is to commit any mischief or criminal trespass ?

- (a) 2 or more persons
- (b) 3 or more persons
- (c) 5 or more persons
- (d) None of the above

(iii) Is it correct to say that an accused person shall be a competent witness and may give evidence on oath ?

- (a) Yes
- (b) No
- (c) May be or may not be
- (d) None of the above

(iv) A conditional order for removal of public nuisance under section 133 of the Code of Criminal Procedure, 1973 may be passed by

- (a) Sub-Divisional Magistrate
- (b) District Magistrate
- (c) Executive Magistrate specially empowered

(d) Any of the above Magistrate

(v) Which section of the Code of Criminal Procedure, 1973 authorises a Police officer to arrest any person without warrant ?

(a) Section 41

(b) Section 42

(c) Section 43

(d) Section 45

(vi) How many number of witnesses are required to prove a fact ?

(a) At least 1 number

(b) At least 3 numbers

(c) At least 4 numbers

(d) No particular number

(vii) Can a deaf and dumb person be a competent witness ?

(a) No

(b) Can not be at all

(c) Yes

(d) None of the above



(viii) An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact. Is it correct ?

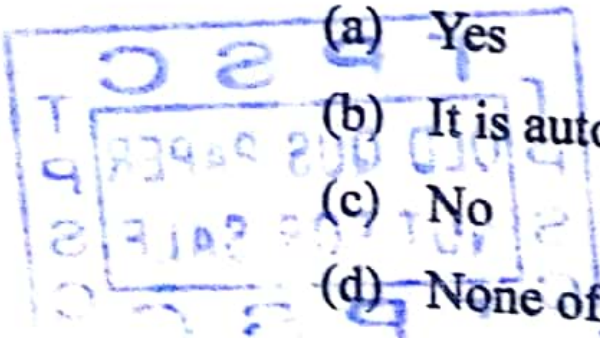
- (a) Yes
- (b) No
- (c) May be or may not be
- (d) None of the above

(ix) 'A' writes to 'B's wife that 'B' is a liar and that he has association with bad woman. Is this communication a defamatory one ?

- (a) Defamatory
- (b) Not at all defamatory
- (c) May be or may not be defamatory
- (d) None of the above

(x) Does a person summoned to produce a document become a witness ?

- (a) Yes
- (b) It is automatic
- (c) No
- (d) None of the above



GROUP - B

Answer any *ten* questions.

Each question carries 5 marks.

5×10=50

2. What is mischief? State whether any mischief has been committed by 'A' in the following illustration :
'A' is jointly owner with 'B' of a horse. 'A' shoots the horse and kills it.
3. (a) What do you mean by "Hurt" ?
(b) When is a man said voluntarily to cause grievous hurt? Give an example.
4. Who can be termed as abettors? Is an abettor always liable for an offence by the principal offender? Discuss shortly.
5. What are the possible consequences of non-appearance of the complainant in
(i) summons case and
(ii) warrant case?
6. What is meant by 'Charge'? What particulars should it contain?
7. State the manner in which cognizance of an offence can be taken and by whom?

8. How would you prove
 - (a) the handwriting of a person
 - (b) the deed of gift of immovable property
 - (c) an entry in the register of deaths ?
9. When is a fact said to be
 - (i) proved
 - (ii) disproved and
 - (iii) not proved ?
10. What are the different kinds of damages awarded in an action for tort ? Write short notes on any two kinds of damages.
11. What are the essentials of a suit for malicious prosecution ? Write a short note on any *one* of them.
12. All the attesting witness in a document are either dead or can not be found. How should the document then be proved in a case
 - (i) where the document does not require registration and
 - (ii) where the document requires registration ?

13. Write short notes on any *one* of the following :

- (a) Vicarious liability
- (b) Res ipsa loquitur.

GROUP – C

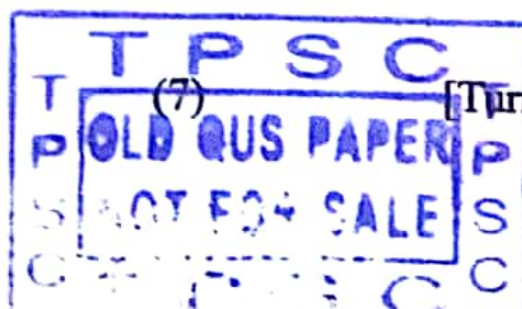
Answer any *five* questions.

Each question carries 8 marks.

$$5 \times 8 = 40$$

14. (a) What do you understand by 'cheating by personation' ? State its essential ingredients.
- (b) 'A' sells and conveys a house to 'B'. 'A' then sells the same to 'C' without disclosing the previous sale and receives the purchase price. What offence does 'A' commit ?
15. (a) What is culpable homicide ?
- (b) When does culpable homicide amounts to murder ?
16. Discuss briefly the provisions in the Code of Criminal Procedure, 1973 relating to maintenance of wives and children.

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17. What is dying declaration? How is dying declaration admissible in evidence?

18. (a) When may a confession made by a person in the custody of a Police officer be proved against a person?

(b) Would a confession made to a Police officer, but in presence of a Magistrate, be admissible?

19. In tort, when can a private individual bring an action in respect of a public servant? What are the remedies available to him?